

REMARKS

The Examiner's action of March 26, 2003 is noted in which Claims 1-13 are rejected under 35 U.S.C. 102 and 35 U.S.C. 103. Applicants have amended the claims to more properly claim what they regard as their invention and as a result thereof, it is Applicants' contention that the claims are in condition for allowance.

The Examiner has rejected Claim 1 under 35 U.S.C. 102 as being unpatentable under the Weimer et al. reference. Applicants have limited their claims to fiber optic systems and more particularly to one involving a level winding apparatus. It will be appreciated that most of the present towed decoys utilize an extremely fragile fiber optic connection between the electronics and the decoy and control apparatus within the aircraft. The use of fiber optic cable is extremely problematical because it oftentimes breaks and shatters thereby rendering the decoy useless; as a result, signals cannot be passed over the fiber optic cable. This may be unknown to the pilot of the aircraft and the decoy ineffectiveness may sometimes not be immediately known.

It will be appreciated that in none of the references cited by the Examiner is shown or taught the use of fiber optics cable. For this reason alone it would not be obvious to utilize any of the means for paying and reeling in the cable safely. The Examiner has argued that level winding winch systems are commonly known and it would have been obvious to one of ordinary skill in the art to have used a level winding device if such were readily available to the ordinarily skilled artisan.

In the first place, Weimer does not teach a level winding system. Secondly, none of the references cited teach a level winding system. Applicants have had to resort to a level winding system to avoid damage to the fragile fiber optic cable and it is Applicants' contention that

Applicants have solved an unknown problem “fracture of fiber optic cables” with a device that was not heretofore utilized at all for fiber optic cables.

Thus, what would have been obvious to one skilled in the art in terms of deploying a decoy, absent Applicants’ teaching, would be to utilize an ordinary winch in which would damage the fiber optic cable.

Secondly, in the payout of fiber optic cable, it is important in some instances to have the cable payout with an even loading factor. The level winding winch has a guide that moves back and forth over the bobbin to remove the fiber optic cable in a very controlled manner so that untoward loading does not occur.

Thus it would not have been obvious at all for those skilled in the art to provide a level winding winch for fiber optic cables. Even when using fiber optic cables it is not obvious that the tension could be appropriately controlled through the level winding mechanism, absent Applicants’ teaching.

For these reasons, it is Applicants’ contention that the claims are free of the art cited.

The Examiner goes on to say that in Claims 3-9 and 11-13 “the examiner takes official notice the recited elements and their peripherals are common known elements used on airplane towed systems for their inherent purposes”. The Examiner not only has failed to provide any instance of a level reeling apparatus, he has also failed to show any type of rotary optical coupler. Up until the time that the Applicants have attempted to deploy and retrieve fiber optically coupled decoys, it was not at all obvious, for instance, to use the prior systems because they would twist the fiber optic cables to a point of damage and fracture.

However, with the level winding system and the rotary fiber optical coupler claimed, the relatively expensive decoys can be reeled out and reeled back in for reuse unlike the prior practice of cutting off of the fiber optic towed decoys.

In short, it was not considered viable to reel in a fiber optically towed decoy in the past simply because of the damage that would normally be occasioned by the reel in process if not by the reel out process.

The Examiner is invited to support his contentions by documentary evidence. The Examiner is invited to show that there was a need and these elements were utilized to solve the need. Absence of such a showing, it is Applicants' contention that taking official notice of important parts of the claimed subject matter is inappropriate. In an absence of showing the claimed combination, it is Applicants' contention that the claimed solution to the problem is indeed quite unobvious and further that the art cited teaches away from the claimed invention.

Allowance of the claims and issuance of the case is earnestly solicited.

Respectfully Submitted,

Robert K. Tendler
Registration No: 24,581
Attorney for Applicant

65 Atlantic Avenue
Boston, MA 02110
(617) 723-7268
Date: _____